

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: ANTHONY DAVID ELLIS

Debtor(s)

CHAPTER 13

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

CASE NO: 5-23-01169-MJC

vs.
ANTHONY DAVID ELLIS

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on October 19, 2023, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. A Plan was filed on July 7, 2023.
2. A hearing was held and an Order was entered on September 21, 2023 directing that an amended plan be filed within fourteen (14) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

Id: 47613

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: 717-566-6097

email: amchale@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
Courtroom #2
197 S. Main Street
Wilkes Barre, PA 18701

Date: November 16, 2023

Time: 10:00 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Date: October 19, 2023

/s/ Agatha R. McHale, Esquire
Id: 47613
Attorney for Trustee
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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Respondent(s)

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on October 19, 2023, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

Served electronically

MICHAEL A CIBIK, ESQUIRE
CIBIK LAW, PC
1500 WALNUT ST, SUITE 900
PHILADELPHIA, PA 19102

UNITED STATES TRUSTEE
1501 NORTH 6TH STREET
BOX 302
HARRISBURG, PA 17102

Served by 1st Class Mail

ANTHONY DAVID ELLIS
315 CAMELOT DR
STROUDSBURG, PA 18360-8739

I certify under penalty of perjury that the foregoing is true and correct.

Date: October 19, 2023

/s/ Vickie Williams

Office of Standing Chapter 13 Trustee
Jack N. Zaharopoulos
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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Respondent(s)

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.